TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
March 23, 2023

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PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Absent)
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel Silva, Associate Member (Present)

The meeting began at 7:00 p.m. in the Selectmen's Conference Room.

PUBLIC HEARING – Site Plan – InFEWsion, LLC – 28 Tyburski Road (Assessors' Map 3, Parcel 107) (Addition of a solar rooftop system to the existing warehouse, and a solar ground mount system to the land west of the existing warehouse.)

SEE ATTACHED MINUTES

File Mail Item #18 – Memo from Kim M. Batista, Town Clerk re: Reorganization after the Town Election (March 27, 2023)

File Mail Item #19 – Legal Notice – Ludlow Zoning Board of Appeals – Rescheduled public hearing – 0 aka 184 Howard St

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CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 17. - Legal Notices from surrounding communities
- APPROVE Change of Occupancies:
  - Dung Pham (Tony Nails) – 263 East Street (Change of ownership for existing nail salon)
  - Michelle Farnham (Be Chic Boutique & Esthetics) – 65 East Street (From retail to retail/beauty)
  - Michelle LaRocque (It Makes Scents/Outside the Box) – 314 Sewall Street (From home health care school to gift shop)
- SIGN Special Permit:
  - James L. Chenier – 628 Fuller Street (management of junk removal business) (booth rental at existing salon)

ANR – Guilherme F. Rodrigues / Mare-Lene Properties Nominee Trust – 184 Kirkland Avenue / 201 Pine Street (Assessors' Map 15B, Parcels 97 & 110) (Convey Lot C.2 to Lot D.2; Convey Lot D.1 to Lot C.1)

Ed Chapdelaine – Durkee, White, Towne and Chapdelaine, and Guilherme Rodrigues were present for the appointment.

Mr. Chapdelaine explained that the lot line is being adjusted in order to make the building in compliance with the rear setback.

Mr. Phoenix and Mr. Stefancik commented that they didn't see anything missing on the plan.

Mr. Phoenix: I'll make a **MOTION** in the standard form to endorse the ANR.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Documents included: Master application; Plan of Land in the Town of Ludlow, Massachusetts Hampden County – Prepared for Guilherme F. Rodrigues & Maria I. Rodrigues (03/06/2023)

ANR – Michael Giza - 40 Stebbins Street / 38 Davis Street (Assessors' Map 12D, Parcels 33 & 34) (Move property line ten feet)

Michael Giza was present for the appointment.

Mr. Giza explained that his family owns three properties in succession, and that he wants to give his brother 708 square feet between the houses.

Mr. Phoenix and Mr. Stefancik agreed that they didn't see anything missing on the plan.

Mr. Phoenix: I'll make a **MOTION** in the standard form to endorse the ANR.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

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Documents included: Master application; Subdivision Approval Not Required Plan - Stebbins Street, Davis Street Ludlow, MA – Owned by Michael Giza and Mark Giza (March 14, 2023)

SITE SKETCH – Charlene Coelho (Cha's Ice Cream & Grill) 329 West Street (Assessors' Map 3, Parcel 1A) (Addition of food trailer, picnic tables & signage, re-arrange parking)

Charlene Coelho was present for the appointment.

Mr. Phoenix reviewed the plan with Ms. Coelho.

Mr. Queiroga read the comments from the Ludlow Fire Department, Board of Health, Building Department, and the DPW. (*See file for comment sheets*)

Mr. Phoenix: I'm gonna make a **MOTION** to grant the waiver of the full registered site plan in favor of a sketch as an addendum.
SECOND Ms. Houle.
4-0 in Favor.

Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Mr. Phoenix: I'll make a **MOTION** to also grant the waiver of the public hearing given the scope of the changes that are in front of us tonight.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Mr. Phoenix: I'll make a **MOTION** to approve the sketch in our standard form with the condition on there that we do get an updated copy for signature that shows the updated pipe.

Ms. Coelho: Yes, Paul said he will be sending that.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Documents included: Master application; Waiver request; Comments for Town Boards/Departments; Site Plan – 329 West Street Ludlow, MA – Prepared for Cha's Ice Cream & Grill (March 6, 2023)

Mr. Phoenix mentioned that regarding the traffic issues at Harris Brook School, it sounds like the school has started to reach out to the bus drivers that there will be an upcoming change to the traffic pattern on April 10th.

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Mr. Phoenix asked Mr. Stefancik if he heard anything back from town counsel in reference to spot zoning in Ludlow. Mr. Stefancik remarked that town counsel will be giving him more information, along with a few legal cases, but that he was told that there is no such thing as spot zoning, and that town counsel wasn't really concerned about it. Mr. Stefancik also mentioned that the Attorney General had said in the past that spot zoning wasn't a concern unless there was public outcry that came along with it.

Mr. Phoenix asked if there was any progress on 44 Sewall Street with the blocked off entrance. Mr. Stefancik said that a letter went out to the owner of the property, but that he has not heard back from them. Mr. Phoenix said that if nothing has been done to resolve the problem, that enforcement action needs to be taken. Mr. Carpenter said that he was in that area today and that he believes that the chain was down.

Mr. Carpenter thanked Ms. Houle for her multiple years of service to the Planning Board. Mr. Stefancik said that he will ask town counsel if the Board can just accept a letter from Ms. Houle saying that she'd be interested in the associate member position, rather than advertising in the Register.

Mr. Carpenter: Mr. Chairman, I make a **MOTION** to adjourn at 7:52, 7:53, something like that.
SECOND Ms. Houle.
5-0 in Favor.
Roll call vote: Mr. Silva – yes; Mr. Phoenix – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Meeting adjourned at 7:53 p.m.

APPROVED:

Joseph Queiroga, Secretary

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(All related documents can be viewed at the Planning Board Office during regular business hours.)

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SITE PLAN
28 Tyburski Road (Assessors' Map 3, Parcel 107)
InFEWsion, LLC
(Addition of a solar rooftop system to the existing warehouse, and a solar ground mount system to the land west of the existing warehouse.)
March 23, 2023

PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Absent)
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel Silva, Associate Member (Present)

The public hearing began at 7:01 p.m. in the Selectmen's Conference Room.

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In attendance: Jackson Burttram – InFEWsion, LLC; Steve Ellicott – InFEWsion, LLC; Robert Robitaille – Ludlow Warehouse LLC; Edward Chapdelaine – Durkee, White, Towne & Chapdelaine; George Costa – Costa Consulting Engineers, Inc.; attendees

Mr. Queiroga gave the applicant the invoice from Turley Publications and read the legal notice which included the description of: Addition of a solar rooftop system to the existing warehouse, and a solar ground mount system to the land west of the existing warehouse.

Mr. Queiroga: Ok, from the Ludlow Board of Health and Conservation, no comment. *Mr. Queiroga read the comments from the Ludlow Fire Department (see file).* Health Department, no I'm sorry, this is Conservation, no wetlands. Building Department, no comments. Ludlow Planning Board, the only item of note here is asking for, for three waivers o. 1, 2 & 5. *Mr. Queiroga read the comments from the Department of Public Works (see file).* Ok, why don't you give us kind of an overlay of what you folks have in mind.

Mr. Burttram: Sure, ok, well first of all, my name is Jackson Burttram. I work for InFEWsion, who is the solar developer for this project. We're seeking approval today on behalf of the owner of the property, Ludlow Warehouse LLC. By the way, Steve Ellicott, owner of InFEWsion; I have Rob Robitaille, who represents Ludlow Warehouse, LLC, property owner and is also a liaison for the tenant of the existing building, PODS; and also, we have Ed Chapdelaine who has put together the site plans; and George Costa who did all of our stormwater work. Just some facts about this project, I'll start with the ground mount. It's a 345.6 KW dc solar system, and what that basically means is it's 768 panels. There will be a total of 8 inverters on site. We do have the EPC contract, meaning an Engineering Procurement and Construction Contract with the building owner signed. I've included it in the packets that I think you have. We also have Eversource approval to do an interconnection service agreement which is their approval for any solar system in their territory. Other than that, the total disturbed area is 104, about 104,000 square feet. And we, let's see, I believe we've addressed all of the Planning Board's notes for this plan and in the general application requirements. In terms of construction, we plan to start summer of 2023, but of course that depends on when we can get the building permit secured.

And we expect this construction to last about six months. So, probably around October, the beginning of October, mid-October, somewhere in there, to be completely complete with the project. And there's also our last milestone is mechanical completion for the project which we are trying to have by the end of the year, but that doesn't include construction. So, Steve has 16 years of experience in the solar industry. Rob Robitaille is a Ludlow resident and has 18 years working at the facility. So, and we have two qualified engineers, so I'm confident we can answer any of your questions.

Mr. Queiroga: Ok, just so that everybody knows, this is an open public hearing. Advise that the cameras are recording both words and pictures, and did I give you the bill?

Mr. Ellicott: Yes. Who's that made out to by the way? To Turley?

Ms. Houle: To Turley.

Mr. Stefancik: Turley Publications.

Mr. Ellicott: Oh, it is to Turley. Thanks. I thought so.

Mr. Queiroga: And I've read to you the comments from town boards. Questions for members of the board of the applicants?

Mr. Phoenix: Well, I think the first questions that I have would be basically from some of the comments from other boards. We got feedback on there about monumentation not being indicated. When I was looking, I really didn't see anything that was missing. Was there a newer set that I'm looking at online or do we know where that comment?

Mr. Stefancik: I don't know. All the pins are all there on the corners.

Mr. Phoenix: Ok. So, I'm not going crazy and it's not just a newer version, it's just.

Mr. Stefancik: And the fence was changed because if they were to keep it 8 feet, then they need to go to Zoning Board of Appeals for anything over 6 ½ feet, and I believe they changed it down to the 6 feet.

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Mr. Phoenix: Ok, is that all reflected on the current plan set that we have in front of us now?

Mr. Stefancik: Yes, it should be.

Mr. Phoenix: Ok. 'Cause I know it was saying both seven and eight indicated on the plan, now it's saying six across the board?

Mr. Burttram: Six across the board.

Mr. Phoenix: Ok, and do we have paperwork on the roof to satisfy the comments from Fire?

Mr. Burttram: You don't have paperwork yet. I guess a couple of comments on that. It was our understanding that that wasn't needed for the Planning Board. But we will, it's standard procedure for us to get that paperwork for every rooftop that we do, so that will come before we go for the building permit.

Mr. Phoenix: Ok. And the other question that I have, and I know we're gonna have to deal with the waivers and stuff too, but Doug, when you were reviewing this did you look under, with the ground mounted stuff, is that coming under that section, that met all those criteria as well under the 6.10?

Mr. Stefancik: Yes, it did, yes. And many of the additional information was in the packet, the additional packet.

Mr. Phoenix: That's it for me for now.

Mr. Queiroga: That's short.

Mr. Silva: I have no questions.

Mr. Phoenix: We can start talking about waivers, but it seems like more questions first, then figure that out.

Mr. Queiroga: Josh, you got any questions?

Mr. Carpenter: I have no questions Mr. Chairman.

Mr. Queiroga: Ok.

Ms. Houle: I'm fine.

Mr. Queiroga: Where is Tyburski Road, Kathy?

Ms. Houle: Off Moody, right off of Moody Street?

Mr. Queiroga: What?

Ms. Houle: Off of Moody.

Mr. Queiroga: Off of Moody? Ok, anybody here want to comment on this application?

Mr. Phoenix: Hearing nothing from the in person or remote audience, I'm gonna, I guess, switch over to talking about the waivers. I have down that the applicant's looking for waivers of o. 1, 2, and 5. For clarity, that would be the lighting plan with luminaire schedule prepared by an engineer. The elevations showing the front rear, and side of the building design, and the traffic study. Do we have in the packet, 'cause I didn't have this particular thing until coming in here tonight, do we have in here or somewhere else, the, any reasoning prepared by the applicant as far as why we should be granting the waiver or are we drawing conclusions? I think they're somewhat intuitive.

Mr. Burttram: It's on, it's all on page three. And I believe I only included two explanations.

Mr. Phoenix: So, we've got the lighting plan, the proposed photovoltaic system will be constructed in a secluded area where there is not a lot of traffic and is unclear whether the facility would be visible from the public road. Therefore, any lighting would serve arguably no purpose

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to the general public. In addition, the only personnel that will be entering the facility is the technician performing maintenance responsibilities or repairs. This would take place during the day during the hours of operation for the warehouse tenant (8am – 4pm) for safety reasons, therefore no lighting would be required. The second one, no building is proposed for this project. And the third one, Tyburski Road is secluded with minimal traffic. No additional traffic introduced to the area after project completion. It's essentially the intuitive reasons. There's no real benefit to the town or the neighborhood by having it done 'cause there's essentially going to be no difference in the traffic. There's gonna be no difference in the building aside from there's gonna be some panels on and around it. And, putting up lighting to service a solar facility is somewhat counterproductive. So, I think those all make sense to me unless anybody on the board has anything else to say on it, I'll make a **MOTION** to grant the waivers of o.1, 2 and 5 for the combination of the reasoning prepared by the applicant and that there is no benefit to the town or neighborhood by enforcing those particular conditions on this property at this time.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Mr. Phoenix: Unless there's anything else from anyone else, I'll make a **MOTION** in the standard form to approve the site plan as presented with the additional notation as part of that waiver that was also found to meet the requirements of Section 6.10 regarding photovoltaic facilities.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

Mr. Phoenix: I **MOVE** to close the public hearing.
SECOND Mr. Carpenter.
4-0 in Favor.
Roll call vote: Ms. Houle – yes; Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Queiroga – yes.

The public hearing closed at 7:16 p.m.

APPROVED:

Joseph Queiroga, Secretary

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Documents included: Master application (28 Tyburski Rd Solar By: InFEWsion, LLC On behalf of: Ludlow Solar, LLC (March 3, 2023); Waiver request; Stormwater Management Plan and Report – Ludlow Warehouse Solar – 28 Tyburski Rd. Ludlow, MA (3/3/23); Custom Soil Resource Report for Hampden County, Massachusetts, Central Part – 28 Tyburski Rd. Ludlow, MA (March 3, 2023); Stormwater Management Long-Term Pollution Prevention and Operations and Maintenance Plan – Ludlow Warehouse Solar – 28 Tyburski Rd. Ludlow, MA (3/3/23); Comments from Town Departments/Boards; Plan: Existing Conditions – Ludlow Warehouse Solar – 28 Tyburski Rd. Ludlow, MA (3/3/23); Site Plan: Ludlow Warehouse Solar by InFEWsion LLC – 28 Tyburski Road Ludlow, Massachusetts 01056 (03/03/2023)
(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).